



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-2900 FAX (603) 271-2456

October 6, 2003



CERTIFIED MAIL # 7000 0600 0023 9934 2368
RETURN RECEIPT REQUESTED

Board of Selectmen
Town of Tamworth
PO Box 359 – 84 Main Street
Tamworth, NH 03886

Letter of Deficiency
WMD 03-30

SUBJECT: 2003 Local Government Financial Test for Tamworth Municipal Solid Waste Unlined Landfill Permit No. DES-SW-TP-97-036

Dear Members of the Board:

The records of the Department of Environmental Services (Department) show that the Municipal Solid Waste Unlined Landfill (MSWLF) owned/operated by the Town of Tamworth (Town) continued to receive waste after October 9, 1991 and did not complete capping of the facility by October 9, 1994. As such, the Town must comply with federal solid waste regulations that implement RCRA Subtitle D, codified in 40 CFR Part 258 which include requirements for closed landfills and landfill closure. The federal regulations include financial assurance requirements designated as Subpart G of Part 258.70, which call for owners and operators of MSWLFs to demonstrate that adequate funds will be readily available for the costs of closure, post-closure care, and corrective action for known releases associated with their facilities.

The Department is responsible for the oversight of the RCRA-D program in New Hampshire. Additionally, MSWLF units are required to provide financial assurance pursuant to the New Hampshire Solid Waste Rules Part Env-Wm 3100 (Rules), a requirement that can be satisfied in the same fashion as called for by the federal regulations.

The Department sent a letter dated August 6, 2003 (copy attached) informing the Town that it was in violation of the Rules and 40 CFR Part 258.74. This letter outlined the steps necessary to bring the Town into compliance and sought submission of the necessary material not later than ten working days following receipt of that letter. As of this date, the Department has not yet received the required information to determine your Town's financial assurance compliance status.

The above noted deficiencies can be corrected by 1) contacting Myrna Giroux of the Solid Waste Management Bureau at 271-2925 within 10 days of receipt of this letter, and providing an update on the status of meeting the financial assurance requirements; and 2) within thirty (30) days from receipt of this letter, submitting all of the previously requested information. In the event that the Town does not update its financial assurance, the Department may take further action against the Town, including issuing an administrative order requiring the deficiency to be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil and/or criminal penalties.

Your prompt cooperation is appreciated. Should you have any questions regarding this matter, please do not hesitate to contact Myrna Giroux of the Solid Waste Management Bureau at 271-2925.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard S. Reed', is written over the word 'COPY'.

Richard S. Reed
Administrator
Solid Waste Management Bureau

Enclosure: copy of letter dated August 6, 2003

cc: Gretchen Rule, Administrator, OC Legal Unit
Patricia J. Juranty, SWMB (letter only)
Town File